

REMARKS

In response to the Office Action dated May 22, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-12 were rejected under 35 U.S.C. § 102 as being unpatentable over Dvorak. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “calculating a return on investment for each product in the product set in response to the financial and product parameters; determining whether the calculated return on investment is equal to or greater than a defined value; in response to the calculated return on investment being equal to or greater than a defined value, identifying the product having the highest return on investment and recording a recommended buy quantity relating to that product; and incrementing the recommended buy quantity of the identified product and recalculating the return on investment for each product in the product set until each return on investment calculation is no longer equal to or greater than the defined value.” Dvorak fails to teach the features relating to calculation and use of return on investment.

The only discussion of return on investment in Dvorak appears in column 13, line 30 – column 14, line 30. This section of Dvorak discusses the calculation of Gross Margin Return on Investment (GMROI) for both actual and forecasted sales of products. Dvorak discusses two formulae for computing GMROI in column 14, but fails to discuss using the GMROI in a manner recited in claim 1. In claim 1, the return on investment (ROI) is used to identify the product having the highest return on investment and recording a recommended buy quantity relating to that product. Further, the ROI is used by incrementing the recommended buy quantity of the identified product and recalculating the return on investment for each product in the product set until each return on investment calculation is no longer equal to or greater than the defined value. These elements are simply not taught by Dvorak.

For at least the above reasons, claim 1 is patentable over Dvorak. Claims 2-9 variously depend from claim 1 and are patentable over Dvorak for at least the reasons advanced with reference to claim 1. Claim 10 recites features similar to those discussed

above with reference to claim 1 and is patentable over Dvorak for at least the reasons advanced with reference to claim 1.

Furthermore, claims 2-5 recite how the calculation of return on investment is performed. Claims 6 and 12 recite using return on investment to identify a product having the highest return on investment and recording the recommended buy quantity relating to that product. These elements are not found in Dvorak.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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